

CRM-M-49845-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49845-2023
Date of decision: 12.01.2024

Harmanpreet Singh @ HarryPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Satnam Singh Gill, Advocate,
for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.
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SANJIV BERRY, J. (ORAL)

1. Reply dated 15.11.2023, filed in the form of affidavit of Deputy Superintendent of Police, Sub Division Khadur Sahib, camp at Goindwal Sahib, District Tarn Taran, on behalf of State-respondent is taken on record.
2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR as under: -

FIR No.	Dated	Sections	Police Station
138	30.07.2023	21(b) and 29 of the NDPS Act	Sadar Tarn Taran, District Tarn Taran.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and the petitioner is in custody since 30.07.2023.

4. On the other hand, learned State counsel has submitted that recovery of 10 grams of heroin was effected from the petitioner and the petitioner is in custody since 30.07.2023. He further submits that challan has been presented in the Court after investigation; charges have not been framed and out of total 09 witnesses, as cited by the prosecution, none has been examined. He further contends that another case has also been registered against the petitioner although he is on bail in said case.

5. After hearing the arguments and perusing the record, it transpires that as per the case of the prosecution, recovery of *10 grams of heroin* was effected from the possession of the petitioner; that the petitioner is in judicial custody since 30.07.2023; that after completion of investigation challan has been presented in the Court; charges have not been framed; no witness has been examined out of 09 witnesses and the petitioner is on bail in another case registered against him. Considering these aspects and the fact that conclusion of trial will take sufficient long time and no purpose would be served by detaining the petitioner further in custody as his criminal liability, if any, can only be determined after completion of the trial. In these circumstances, without commenting on the merits of the case, petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of trial Court.

6. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly

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appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

9. Petition stands allowed.

12.01.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |